



STATE OF CONNECTICUT
JUDICIAL BRANCH

CHAMBERS OF
BARBARA M. QUINN, JUDGE
CHIEF COURT ADMINISTRATOR

231 CAPITOL AVENUE
HARTFORD, CT 06106

**Testimony of Judge Barbara M. Quinn
Judiciary Committee Public Hearing
March 26, 2009**

House Bill 6340, An Act Concerning Judicial Branch Openness

My name is Barbara Quinn and I am the Chief Court Administrator. I am submitting this written testimony on behalf of the Judicial Branch.

As you know, the Judicial Branch has worked with the leadership of the Judiciary Committee over the past three years to address the concerns that have been raised by this bill, and have reached agreement on all but one section. In fact, the Judicial Branch has already implemented a number of the bill's provisions. For example, the Judicial Branch posts criminal docket and conviction information on its website as required by Sections 15 and 16. Additionally, the Judicial Branch has placed a link to the Judicial Review Council's homepage from our website, as required by Section 17.

The only remaining issue that we have is with section one, regarding court rules. We firmly believe that the judges have the exclusive authority to adopt procedural rules for the courts. This section would require the Chief Justice to report any rules that have been adopted, promulgated, modified, superseded or suspended by the judges to the General Assembly at the beginning of each regular session. The bill requires the Judiciary Committee to schedule a public hearing on the rules changes and provides that the General Assembly can void any rule by resolution.

We understand that the bill amends a current statute; however, the constitutionality of that statute is in question. In 1968, Chief Justice King submitted a report pursuant to this statute which read, "To avoid any misunderstanding it is pointed out that changes in the rules of the Supreme Court made by the justices thereof are not reported since they are not, under the Constitution, subject to legislative review or revision." A similar statement was made with respect to the rules of the Superior Court. At that time, the Circuit Court and Court of Common Pleas existed. These were two statutorily created courts over which the legislature had control, including the adoption of the rules for these courts. For a period of time, the Judicial Branch reported on rules changes only for the statutorily created courts.

For the past thirty years, the Judicial Branch has been providing copies of all of the rules changes made during the preceding year to the General Assembly in order to promote cooperation and avoid a constitutional confrontation. This does not mean that the judiciary has acquiesced and ceded its authority with regard to the adoption of procedural rules for the courts. During that time, the Judiciary Committee has never held a hearing on the rules submitted, as required by the statute, nor has the Legislature ever declared a rule to be void pursuant to this statute. If those events were to occur, the Judicial Branch might very well raise the issue of this statute's constitutionality.

If you decide that the Legislature should have control over the procedural rules, I would submit that a constitutional amendment is necessary. I know that you are considering such an amendment, and Supreme Court Justice Peter T. Zarella will address this proposal.

Thank you for the opportunity to provide these written comments.